

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION**

Civil Action No. 4:11-CV-00094-BO

BRUCE BANNISTER; MAX DUTTON;
and MARION TOWLES;

Towles,

vs.

WAL-MART STORES EAST, L.P.,

Defendant.

**APPENDIX TO DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT REGARDING MAX
DUTTON'S CLAIMS**

A-17

Max Dutton Deposition Transcript Exhibit 31

M. Dutton Summary Letter re Meeting with A. Binder (7/14/2009)

07/14/2009

I Max Dutton would like to summarize some facts pertaining to my visit with Mr. Art Binder.

For the past eleven years Art Glidden has been involved in CMN fundraisers throughout our community. My past district managers or market managers knew Art to be a fine citizen donating his time to help Childrens hospital of the Kings Daughters and when not involved with CMN he is involved with the fire department etc; raising money for the Joy Fund. (Helping children and families)

One day on a email and then conference call each store was given the amount of \$7500.00 to be raised for CMN. We were told to do whatever it takes, be creative, jean day etc; we had a bake sale, cookouts, donation raffle, ask customers at the register for donations, had two days of beach dress up day \$5.00 per associate, the associates charged me \$20.00, one morning at a morning meeting it was brought up if we could put a sign up for truck drivers or anyone coming in the back if they would like to donate to CMN.

A man named Charlie Lipsey with George Marshall and associates was in the store and put money in our incubator and mentioned to some associates and myself that when his son was an infant he had a brain tumor and how childrens hospital had help him. He mentioned he was compelled to do more, he stated I'm going to do more, he sent a check to the store in the amount of \$500.00 to be placed in the incubator.

When other vendors, example Coopertone(a girl named Melissa I think) saw at the register what we were doing and said they needed to get involved we discouraged this. Mr. Lipsey's story of his son and his wish of the check, we felt compelled to honor his wishes.

